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DONALD L. CHAMPAGNE
PRIMARY EXAMINER

Fax Cover Sheet

Date: 19 Oct 2005

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| To: Jason A Shinder, Esq. | From: Donald L. Champagne |
| Application/Control Number: 10/642,894 | Art Unit: 3622 |
| Fax No.: 203-461-7300 | Phone No.: 571-272-6717 |
| Voice No.: 203-461-7000 | Return Fax No.: 571-272-6717 (informal) |
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| <input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input checked="" type="checkbox"/> For Comment <input checked="" type="checkbox"/> For Reply <input type="checkbox"/> Per Your Request | |

Comments:

According to the Office's records, this case does not have priority from its parent application 09349860. Hence the effective filing date of this '894 case is its actual filing date, 18 August 2003.

A rejection was mailed in the parent '860 case on 13 May 2003. It had the usual shortened reply period of three months, expiring on 15 August 2003 (because 13 August 2003 is a Saturday). We have no record that an extension of time was ever requested for this parent application, so the application's abandonment date is 15 August 2003. That is three days short of the (18 August 2003) filing date of the instant '894 case. Hence our records indicate that the pendency chain was broken by the three-day gap. The instant '894 case cannot claim priority to the '860 parent case.

Please check your records for contradictory evidence, such as a request for extension of time that we did not receive. I will assume that our records are correct unless you advise me otherwise.

Number of pages 1 including this page

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